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Date: February 1, 2005

To: Examiner: Dougherty, Thomas M.
Art Unit: 2834

Fax No.: 703-872-9306

From: Stephen P. Burr

Subject: U.S. Application Ser. No. 10/622,871
Filed: July 17, 2003
Conf. No.: 2911
Title: PIEZOELECTRIC/ELECTROSTRICTIVE FILM TYPE DEVICE

Our Ref.: 791_203 NP

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following paper(s) is/are being facsimile transmitted to 703/872-9306 at the Patent and Trademark Office on February 1, 2005:

- Request for Correction of PTO Records
and Restarting of Office Action Response Period 2 pages
- This Facsimile Cover Sheet 1 page

Total Pages 3


Gina M. Husak

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PATENT

Practitioner's Docket No.: 791_203 NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Masahiro MURASATO and Yuki BESSHO

Ser. No.: 10/622,871

Group Art Unit: 2834

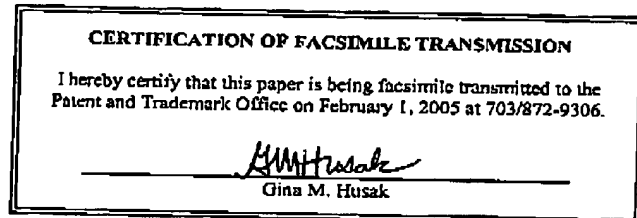
Filed: July 17, 2003

Examiner: Dougherty, Thomas M.

Confirmation No.: 2911

For: PIEZOELECTRIC/ELECTROSTRICTIVE FILM TYPE DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



REQUEST FOR CORRECTION OF PTO RECORDS
AND RESTARTING OF OFFICE ACTION RESPONSE PERIOD

Sir:

An Office Action was mailed for this application on January 3, 2005, and listed claim 1 as the only claim pending in this application. The application documents that were filed in English on July 17, 2003, however, included two claims.

This application also claims priority from Provisional Application Serial No. 60/398,917. In accordance with the PTO Rules, an English-language translation of the provisional application was filed in the present application on September 3, 2003. The provisional application included claim 1 only.

In light of the foregoing, it appears that the PTO has examined the English-language translation of the Provisional Application, instead of examining the original application papers that were filed in English on July 17, 2003. To make matters worse, it appears that the PTO even published the English-language translation of the provisional application, instead of publishing the original English application papers that were filed on July 17, 2003.

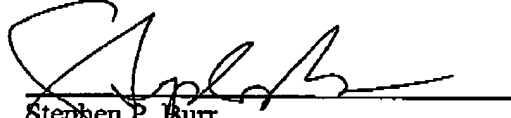
In light of all the foregoing, it is respectfully requested that the pending Office Action be rescinded and a new Office Action be mailed addressing claims 1 and 2 pending in the application as filed on July 17, 2003. During a telephone conversation with Examiner Dougherty on February 1, 2005, he indicated that a new Office Action would be mailed, and the period for response would be re-started from the mailing date of the new Office Action.

It is also respectfully submitted that the PTO should republish this application using the English documents that were filed July 17, 2003. The English-language translation of the provisional application that was filed September 3, 2003 was accompanied by a transmittal document that, in no uncertain terms, clearly identified the document as a translation of the provisional for perfecting §119(e) priority only. How the PTO clerical staff interpreted this document as a translation of the original application papers, which were already filed in English, is beyond explanation. Applicants should not be penalized for such a drastic clerical mistake on the part of the PTO.

Should the appropriate official at the U.S. PTO have any questions concerning this matter, he or she is requested to telephone Applicants' undersigned representative at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,


Stephen P. Burr
Reg. No. 321970

February 1, 2005
Date

SPB/gmh

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